GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Kurnool District - Sri D.Y.Shamshad Basha, the then Deputy Surveyor, O/o Tahsildar, Rudravaram (M), Kurnool District – Trapped by the ACB on 22.09.1999 - Placed under suspension – Reinstated into service - Convicted in Criminal Case - Dismissed from service – Appeal filed in Hon'ble Court - A.O. expired on 20.02.2014 – Acquitted in Hon'ble High Court - Further action abated – Regularization of suspension period and dismissal period as 'on duty' under F.R.54 (A)(3) - Orders - Issued.

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REVENUE (VIG.III) DEPARTMENT

G.O.Rt.No.879 **Dated:13.12.2024**

Read the following:

1. G.O.Ms.No.94, Revenue (Vigilance-III) Department, dated 29.01.2007.
2. From the Hon'ble High Court of Andhra Pradesh orders, dated:11.11.2021 in Criminal Appeal No.684/2006.
3. From the Director General, ACB, RC.No.33/RCT-KUR/1993, dated 30.03.2023.
4. Representation dated:'Nil' of Sri D.Y.Muntazim, S/o late D.Y.Shamshad Basha, Ex.Dy.Syor, H.No.7/62, Nadigadda Street, Behind I-Town Police Station, Nandyal – 518501 received through the OSD to Hon'ble Minister(Rev, R&S) with Endorsement No.660, Dated:28.11.2023.

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ORDER:-

Whereas, it has been brought to the notice of the Government that a criminal case has been registered against Sri D.Y.Shamshad Basha, Deputy Surveyor, O/o the Tahsildar, Rudravaram Mandal, Kurnool District (AO-2), and one other (AO-1), as they were trapped by the ACB on 22.02.1999 and they were placed under suspension. Consequently, Sri D.Y.Shamshad Basha, Deputy Surveyor, O/o the Tahsildar, Rudravaram Mandal, Kurnool District (AO-2) was reinstated into Service pending ACB case in CC.No.19/2001 of the Additional Special Judge for SPE & ACB Cases and he joined duty in the MRO's office, Kosigi on 02.01.2004; and later in MRO's Office, Dornipadu Mandal, Kurnool District on 01.10.2006. The ACB Court has disposed of the case in CC.No.19/2001 on 17.05.2006 convicting Sri D.Y.Shamshad Basha, Deputy Surveyor to undergo rigorous Imprisonment for a period of one year and also to pay fine of Rs.1,000/- for the offence under Section 7 of the Prevention of Corruption Act, 1988 and in default to suffer three months simple Imprisonment.

2) And whereas, by implementing the above orders of the Hon'ble ACB Court, Government in the reference 1st read above have issued orders for dismissal of

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Sri D.Y.Shamshad Basha, Deputy Surveyor, office of the Tahsildar, Dornipadu Mandal, Kurnool District by exercising the powers conferred under Sub Rule(1) of Rule 25 r/w clause (X) of Rule 9 of the A.P.Civil Services (CC&A) Rules, 1991.

3) Aggrieved by the above orders, Sri D.Y Shamshad Basha, former Deputy Surveyor has filed an appeal in CC.No.684/2006 in the Hon'ble A.P.High Court, Hyderabad against the punishment in CC No.19/2001 and the Hon'ble High Court in its interim orders in Crl.M.P.No.819/2006, dated 07.06.2006 has suspended the punishment of Dismissal from service and pending disposal of Appeal No.684/2006 on its file and continued on ball. Later, Sri D.Y.Shamshad Basha has expired on 20.02.2014, i.e., while his Crl. Appeal is pending before the Hon'ble High Court.

4) And whereas, in the reference 2nd read above, the Hon'ble High Court of Andhra Pradesh, Amaravathi, held that:

> "The conviction and sentence recorded against the appellant/accused in the Judgement dt:17.05.2006, in calendar case No.19 of 2001 on the file learned Additional Special Judge for SPE & ACB cases, City Civil Court at Hyderabad for the offences punishable under Section 7 of Prevention of Corruption act, 1988 and Sections 13 (1)(d) read with Section 13(2) of Prevention of Corruption Act, 1988 are set aside and he is acquitted for the said offences.
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> Consequently, the appellant/accused shall be set at liberty forthwith, if he is not required in any other case or crime. The fine amount, if any, paid by the Appellant/accused shall be refunded to him."

5) And whereas, in the reference 3rd read above, the D.G, ACB has stated that the AO-2 Sri D.Y.Shamshad Basha, Mandal Deputy Surveyor, Rudravaram Mandal, Kurnool District was convicted by the Hon'ble Additional Special Judge for SPE & ACB Cases, Hyderabad in its orders dated:17.05.2006 in C.C.No.19/2001. Further, the AO-2 filed a Criminal Appeal in the Hon'ble High Court of Andhra Pradesh, Amaravathi. The Hon'ble High Court allowed it by setting aside the Judgment dated 12.09.2007 passed in CC.No.19/2001. Further, the D.G., ACB has stated that the Bureau is of the opinion that it is not a ft case to prefer an S.L.P. in the Hon'ble Supreme Court of India, New Delhi. The AO-2 also died on 20.02.2014. Therefore, the Director General, ACB has requested that orders may be communicated to the Bureau for taking further action in the matter.

6) And whereas, in the reference 4th read above, Sri D.Y.Muntazim, S/o late D.Y.Shamshad Basha has submitted a representation stating that his mother is

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suffering from Asthama and not able to hold any post, as an alternative, he has applied for appointment in any vacancy on compassionate ground. Therefore, he has requested: (i)to appoint him in any vacancy on compassionate grounds since his father was exonerated from all the Charges and he should be treated to have died while in service; (ii)to sanction payment of salary for the period from the date of suspension to the date of death of his father, treating the period as on duty as he was kept out office on no fault of him and all Charges against him were held 'not proved'; and (iii)to sanction consequential family pensionary benefits to his mother as his father rendered total service of 19 years from 20.12.1995 to the date of his death i.e., 20.02.2014 (including the period in which he was kept out of office (on false and fabricated Charges) has to be treated as on duty.

7) Government, after careful examination of the matter, have decided and hereby abate further action against Sri D.Y.Shamshad Basha, former Deputy Surveyor, O/o Tahsildar, Rudravaram(M), Kurnool District, who expired on 20.02.2014, and the suspension period and the intervening period between the date of dismissal and expiry of the A.O. is hereby treated as 'on duty' under F.R.54 B(2) r/w F.R.54.A(3) in this case.

8) The Director, Survey Settlements and Land Records, Mangalagiri /the Collector & District Magistrate, Kurnool District shall take necessary further action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

R P SISODIA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
1. Sri D.Y.Shamshad Basha, former Deputy Surveyor(expired), O/o Tahsildar, Rudravaram (M), Kurnool District ***through*** the Collector & District Magistrate, Kurnool District.
2. The Director, Survey Settlements and Land Records, Mangalagiri.
3. The Chief Commissioner of Land Administration, A.P, Mangalagiri.
4. The Collector & District Magistrate, Kurnool District.

Copy to:
1. The Regional Deputy Director, S& LRS, Kurnool.
2. The Director of Treasuries & Accounts, Mangalagiri.
3. The Accountant General, A.P., Vijayawada.

Sf/Sc

//FORWARDED::BY ORDER//

SECTION OFFICER